



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,275	12/03/2003	Gabriel Aaron Cohen	RSW920030245US1	5980
25259	7590	10/15/2009		
IBM CORPORATION 3039 CORNWALLIS RD. DEPT. T81 / B503, PO BOX 12195 RESEARCH TRIANGLE PARK, NC 27709			EXAMINER AUGUSTINE, NICHOLAS	
			ART UNIT	PAPER NUMBER
			2179	
			NOTIFICATION DATE	DELIVERY MODE
			10/15/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

RSWIPLAW@us.ibm.com

Office Action Summary

Application No.

10/727,275

Applicant(s)

COHEN ET AL.

Examiner

NICHOLAS AUGUSTINE

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-13, 15-19 and 21 is/are rejected.
- 7) ☒ Claim(s) 6, 14 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

- A. This action is in response to the following communications: Appeal Brief filed 07/01/2009. This action is made Non-Final.
- B. Claims 1-21 remains pending.

Response to Arguments

C. Applicant's arguments, see page 13, lines 15-22; page 15, lines 7-12, filed 07/01/2009, with respect to the rejection(s) of claim(s) 1, 8 and 15 under 35 U.S.C. 102(b) over Cascio have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of different interpretation of the previously applied reference and newly found prior art reference. The newly found prior art Mutschler et al. (US Pat. 5,940,075) will show a more detailed explanation of how a text based interface can be transformed into a graphical user interface.

D. In view of the Appeal Brief filed on 07/06/2009, PROSECUTION IS HEREBY REOPENED. A new grounds of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth

in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Weilun Lo/

Supervisory Patent Examiner, Art Unit 2179.

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: As for claims 1-7, the term "computer-readable medium" lacks antecedent basis by not being defined within the specification. Applicant is advised to consider an alternative such as "program media".

Allowable Subject Matter

2. Claims 6, 14 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 7-13, 15-19 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Mutschler et al. (US Pat. 5,940,075), herein referred to as "Mutschler".

Summary: Mutschler provides a system that enables a client user to access a character based interface (legacy system) by means of transformation of the older interface into a web served graphical use interface.

As for independent claims 1, 8 and 15, Mutschler teaches a computer-readable medium having stored and corresponding computer system and method for recognizing computer program code that when executed by a computer cause a computer system to recognize a character based user interface having a plurality of host component types and to transform the character based user interface to a web enabled user interface, the medium having code to control the computer, the medium/system/method containing code for/steps for (col.3,lines 35-60):scanning the character based user interface for a plurality of agents (col.6,lines 24-32, 54-64); in each agent for determining the existence of a different host component type unique to the agent (col.9,lines 23-47; col.6,lines 24-32, 54-64); defining a match region for each host component type found to exist by an

agent in the character based user interface (col.5,lines 62-65; col.6,lines 33-36; col.8, lines 27-39); determining whether two or more match regions overlap (col.5,lines 62-65; col.6,lines 33-36; col.8, lines 27-39); and rendering match regions associated with each agent to compose the web enabled user interface (col.8, lines 7-11).

As for dependent claims 2, 9 and 16, Mutschler teaches the computer-readable medium of claim 1 wherein the rendering code further comprises: code rendering each match region as a widget, the aggregated widgets composing a formatted output page (col.7, lines 40-65; "window").

As for dependent claims 3, 11 and 17, Mutschler teaches the computer-readable medium of claim 1 further comprising resolving code executed before the rendering code, comprising: code for resolving a conflict between two or more match regions which overlap based on a policy to determine which agent associated with a match region controls the overlap region (col.5,lines 62-65; col.6,lines 33-36; col.8, lines 27-39; col.11, line 60 - col.12, line 20).

As for dependent claims 4, 12 and 18, Mutschler teaches the computer-readable medium of claim 3 wherein the resolving code comprises: code for assigning a predetermined priority to each agent; code for comparing the predetermined priority of the two or more conflicting agents; and code for selecting the agent with the highest predetermined priority to control the overlapping region (col.12, lines 28-59).

As for dependent claims 5, 13 and 19, Mutschler teaches the computer-readable medium of claim 3 wherein the resolving code further comprises: code for comparing the size of the conflicting regions which overlap; and code for selecting the agent having the smaller size region to control the overlapped region (col.12, line 28 – col.13, line 12).

As for dependent claims 7 and 21, Mutschler teaches the computer-readable medium of claim 4 further containing code for controlling the conflicting agents to negotiate whether to relinquish control of at least the overlap region (col.12, lines 28-59; col.9, lines 23-47; col.6, lines 24-32, 54-64).

As for dependent claim 10, Mutschler teaches the computer system of claim 8 wherein the memory further comprises: an agent manager for determining whether two or more match regions overlap (col.9, lines 23-47; col.6, lines 24-32, 54-64).

(Note:) It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056 and fax is 571-270-2056. The examiner can normally be reached on Monday - Friday: 9:30am- 5:00pm Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Weilun Lo/
Supervisory Patent Examiner, Art Unit 2179

/Nicholas Augustine/
Examiner
Art Unit 2179
October 9, 2009